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Dated: June 22, 2005.

David I. Maurstad,

*Acting Director, Mitigation Division,
Emergency Preparedness and Response
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 041221358-5065-02; I.D. 062205A]

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Adjustment of the Quarter III Quota Allocation for Loligo Squid

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; quota adjustment.

SUMMARY: NMFS announces that it has adjusted the commercial quota allocation for the Quarter III fishery for *Loligo* squid in the Exclusive Economic Zone (EEZ). The regulations for the Atlantic mackerel, squid and butterfish fisheries require this adjustment to be made if landings in the Quarter I fishery exceed the commercial quota allocated to that period. This action is necessary to prevent the fishery from exceeding the annual commercial quota and to allow for effective management of this stock.

DATES: Effective 0001 hours, July 1, 2005, through 2400 hours, September 30, 2005.

FOR FURTHER INFORMATION CONTACT: Eric Dolin, Fishery Policy Analyst, 978-281-9259, Fax 978-281-9135.

SUPPLEMENTARY INFORMATION: Regulations governing the *Loligo* squid

fishery are found at 50 CFR part 648. The regulations require annual specifications for maximum sustainable yield, initial optimum yield, allowable biological catch, domestic annual harvest (DAH), domestic annual processing, joint venture processing and total allowable levels of foreign fishing for the species managed under the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan. The procedures for setting the annual initial specifications are described in § 648.21.

The final rule for the 2005 annual specifications was published on March 21, 2005 (70 FR 13406). After allocating 255.1 mt (562,399 lb) for research set-aside, the remaining 2005 annual quota for *Loligo* squid of 16,744.9 mt (36,916,191 lb) was allocated to quarters, as shown below.

TABLE. 1. INITIAL *Loligo* SQUID QUARTERLY ALLOCATIONS*

Quarter	Percent	Metric Tons	Pounds
I (Jan-Mar)	33.23	5,564.3	12,267,184
II(Apr-Jun)	17.61	2,948.8	6,500,992
III(Jul-Sep)	17.3	2,896.9	6,386,572
IV(Oct-Dec)	31.86	5,334.9	11,761,443
Total	100	16,744.9	36,916,191

*Quarterly allocations after 255.1 mt research set-aside deduction.

Section 648.21 requires NMFS to determine if landings in Quarter I result in a quota overage, and to deduct any overage from the quota allocation for Quarter III. The Quarter I quota allocation was 5,564.3 mt (12,267,184 lb). Based on dealer reports and other available information, NMFS has determined that landings in Quarter I were 7,659.8 mt (16,887,113 lb). The Quarter III allocation has been reduced by 2,095.5 mt (4,619,929 lb), resulting in an adjusted allocation of 801.3 mt (1,766,643 lb).

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 22, 2005.

Alan D. Risenhoover,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No.010319075-1217-02; I.D. 061705A]

Fisheries of the Northeastern United States; Tilefish Fishery; Quota Harvested for Full-time Tier 2 Category

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces that the percentage of the tilefish annual total allowable landings (TAL) available to the Full-time Tier 2 permit category for the 2005 fishing year has been harvested. In response, commercial vessels fishing under the Full-time Tier 2 tilefish category may not harvest tilefish from within the Golden Tilefish Management Unit for the remainder of

the 2005 fishing year (through October 31, 2005). Regulations governing the tilefish fishery require publication of this notification to advise the public of this closure.

DATES: Effective 0001 hrs local time, June 28, 2005, through 2400 hrs local time, October 31, 2005.

FOR FURTHER INFORMATION CONTACT: Brian R. Hooker, Fishery Policy Analyst, at (978) 281-9220.

SUPPLEMENTARY INFORMATION:

Regulations governing the tilefish fishery are found at 50 CFR part 648. The regulations require annual specification of a TAL for federally permitted tilefish vessels harvesting tilefish from within the Golden Tilefish Management Unit. The Golden Tilefish Management Unit is defined as an area of the Atlantic Ocean from the latitude of the VA/NC border (36°33.36' N. lat.), extending eastward from the shore to the outer boundary of the exclusive economic zone, and northward to the U.S./Canada border. After 5 percent of the TAL is deducted to reflect landings by vessels issued an open-access

Incidental permit category, and after up to 3 percent of the TAL is set aside for research purposes, should research TAL be set aside, the remaining TAL is distributed among the following three tilefish limited access permit categories: Full-time Tier 1 category (66 percent), Full-time Tier 2 category (15 percent), and the Part-time category (19 percent).

The TAL for tilefish for the 2005 fishing year was set at 1.995 million lb (905,172 kg) and then adjusted downward by 5 percent to 1,895,250 lb (859,671 kg) to account for incidental catch. There was no research set-aside for the 2005 fishing year. Thus, the Full-time Tier 2 permit category quota for the 2005 fishing year, which is equal to 15 percent of the TAL, is 284,288 lb (128,951 kg).

The Administrator, Northeast Region, NMFS (Regional Administrator) monitors the commercial tilefish quota for each fishing year using dealer reports, vessel catch reports, and other available information to determine when the quota for each limited access permit category is projected to have been harvested. NMFS is required to publish notification in the **Federal Register** notifying commercial vessels and dealer permit holders that, effective upon a specific date, the tilefish TAL for the specific limited access category has been harvested and no commercial quota is available for harvesting tilefish by that category for the remainder of the fishing year, from within the Golden Tilefish Management Unit.

The Regional Administrator has determined, based upon dealer reports and other available information, that the 2005 tilefish TAL for the Full-time Tier 2 category has been harvested. Therefore, effective 0001 hrs local time, June 28, 2005, further landings of tilefish harvested from within the Golden Tilefish Management Unit by tilefish vessels holding Full-time Tier 2 category Federal fisheries permits are prohibited through October 31, 2005. The 2006 fishing year for commercial tilefish harvest will open on November 1, 2005. Federally permitted dealers are also advised that, effective June 28, 2005, they may not purchase tilefish from Full-time Tier 2 category federally permitted tilefish vessels who land tilefish harvested from within the Golden Tilefish Management Unit for the remainder of the 2005 fishing year (through October 31, 2005).

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 22, 2005.

Alan D. Risenhoover,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 050314072-5126-02; I.D. 062305E]

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2005 Trip Authorization for Closed Area II Yellowtail Flounder Special Access Program

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; notification of maximum number of trips.

SUMMARY: NMFS announces that no trips are authorized into the Closed Area (CA) II Yellowtail Flounder Special Access Program (SAP) for the 2005 fishing year. The Administrator, Northeast Region, NMFS (Regional Administrator) has determined that the available catch of Georges Bank (GB) yellowtail flounder is insufficient to support a minimum level of fishing activity within the CA II Yellowtail Flounder SAP for the 2005 fishing year. This action is intended to help achieve optimum yield (OY) in the fishery by allowing Northeast (NE) multispecies days-at-sea (DAS) vessels to achieve, but not exceed, the GB yellowtail flounder total allowable catch (TAC) specified for the Eastern U.S./Canada Area throughout the 2005 fishing year, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act.

DATES: Effective June 23, 2005 through April 30, 2006.

FOR FURTHER INFORMATION CONTACT: Douglas W. Christel, Fishery Policy Analyst, (978) 281-9141, fax (978) 281-9135.

SUPPLEMENTARY INFORMATION:

Background

Framework Adjustment (FW) 40B was developed by the New England Fishery Management Council (Council) primarily to improve the effectiveness of the effort control program implemented under Amendment 13 to the NE

Multispecies Fishery Management Plan (April 27, 2004; 69 FR 22906), including the opportunities developed to target healthy stocks and other measures to facilitate adaptation to the Amendment 13 effort reductions. The final rule implementing measures approved under FW 40B was published on June 1, 2005 (70 FR 31323). Detailed descriptions, justifications, and a summary of the impacts of all of the management measures proposed under FW 40B were included in the proposed and final rules for that action and are not repeated here.

FW 40B implemented several revisions to the CA II Yellowtail Flounder SAP intended to help better achieve OY for the fishery and ensure that the maximum benefits from the GB yellowtail flounder TAC are realized. Among other provisions, FW 40B provided the Regional Administrator with the authority, after consulting with the Council, to adjust the trip limit and determine the total number of trips allowed into this SAP each fishing year, if necessary, in order to adapt to changing stock and fishery conditions. The authority to adjust these measures is intended to ensure that the catch of GB yellowtail flounder within the SAP would not increase the likelihood that the Eastern U.S./Canada Area would be closed due to catching the GB yellowtail flounder TAC before the end of the fishing year. Such a premature closure would likely result in regulatory discards of GB yellowtail flounder and reduce the possibility of fully harvesting the GB cod and GB haddock TAC from the Eastern U.S./Canada Area.

When determining the total number of trips allowed into the CA II Yellowtail Flounder SAP, the Regional Administrator considers specific criteria outlined in FW 40B, including the available TAC for GB yellowtail flounder, recent discards, and the potential catch of GB yellowtail flounder by vessels fishing outside of the SAP. Using these criteria, a formula was developed in FW 40B to assist the Regional Administrator in determining the appropriate number of trips for this SAP on a yearly basis. The suggested formula in FW 40B is as follows: Number of trips = (GB yellowtail flounder TAC - 4,000 mt)/4.54 mt.

Note that 4.54 mt is equivalent to the 10,000-lb (4,536-kg) trip limit established for this SAP. This formula assumes that approximately 4,000 mt of GB yellowtail flounder would be caught by vessels operating in the U.S./Canada Management Area, but outside of the CA II Yellowtail Flounder SAP, based on recent catches by all fisheries. FW 40B authorizes the Regional Administrator to not allow any trips into this SAP if